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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,406	12/17/2001	Michael Wayne Brown	AUS920010842US1	3586
43307	7590	01/25/2005	EXAMINER	
IBM CORP (AP) C/O AMY PATTILLO P. O. BOX 161327 AUSTIN, TX 78716			BARNIE, REXFORD N	
			ART UNIT	PAPER NUMBER
			2643	

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/023,406

Applicant(s)

BROWN ET AL.

Examiner

REXFORD N BARNIE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 17 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

*R. Barnie*  
REXFORD BARNIE  
PRIMARY EXAMINER

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 01/22/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 7, 8, 10 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Swope et al. (US Pat# 6,639,977).

Regarding claim 1, Swope et al. teaches a system and method for reverse billing of a telephone call comprising:

receiving a request to originate a billed transaction for a caller from an origin device (see col. 3);

authenticating an identity of a called party answering a call originated by the origin device (see fig.3B, col. 5 lines 24-42); and

responsive to receiving an acceptance of the call by the called party from destination device, billing an account accessed by the authenticated identity of the called party to complete the billed transaction, such that the origin device is enabled to initiate the billed transaction charged to the called party in (see col. 1 lines 5-14, fig. 3B, col. 7 line 7-33, col. 5).

Regarding claim 2, Swope teaches the claimed subject matter of being able to use one of a plurality of payment option.

Regarding claim 3-5, Swope teaches the claimed subject matter in (see fig. 3B).

Regarding claim 7, Swope teaches being able to use voice or speech recognition to authenticate a called party based on (see table in fig. 3B) and disclosure to support it (col.5).

Regarding claims 8 and 10, Swope teaches dialing a trigger code (0, 1, any number, col. 3 lines 27-30,col. 4 lines 41-43) in conjunction with a destination number.

Regarding claim 12, Swope teaches a plurality of accounts which can selectively be used for paying for call services.

Claims 13, 25 and 37-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swope et al. (US pat# 6,639,977) in view of Bauer et al. (US Pat# 6,061,436).

Regarding claims 13 and 25, Swope et al. teaches a system and method for reverse billing of a telephone call comprising:

receiving a request to originate a billed transaction for a caller from an origin device (see col. 3);

authenticating an identity of a called party answering a call originated by the origin device (see fig.3B, col. 5 lines 24-42); and

responsive to receiving an acceptance of the call by the called party from destination device, billing an account accessed by the authenticated identity of the

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called party to complete the billed transaction, such that the origin device is enabled to initiate the billed transaction charged to the called party in (see col. 1 lines 5-14, fig. 3B, col. 7 line 7-33, col. 5). Swope teaches in (see fig. 2), a processor which authenticates a caller via software means, VRU possibly part of the processor, database and LIDB. Furthermore, according to Swope, a credit card, check or saving account can be used which would require some form of interface with a financial institution.

Regarding claims 37-38, Swope teaches a method for controlling a billed transaction in (see fig. 3A, col. 3 line 27-30).

Regarding claim 39, Swope teaches a method for controlling a billed transaction in (see fig. 3A, col. 3 line 27-30).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 6, 9, 11, 14-23 and 26-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swope et al.(US Pat# 6,639,977) in view of Bauer et al. (US Pat# 5,859,900) or Bauer et al. (US Pat# 6,061,436).

Regarding claim 6, Swope fails to teach authenticating a caller for reverse charge calling service.

Bauer teaches a system and method for reverse billing of a telephone call wherein a caller can be authenticated for calls which are to be charged to the called party in (see col. 5 line 60-col. 6) by means of speech recognition.

Bauer teaches a telephone billing system in (see figs. 3-5) where a user can be authenticated using ANI+DNIS

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Bauer into that of swope thus making it possible to authenticate calling parties including children who might not be able to readily remember identification information to be entered.

Regarding claim 9, it's notoriously well known to use voice command or recognition or speech recognition when dialing a destination and the examiner takes official notice to that regard.

Regarding claims 11, 14-23 and 26-35, the combination teaches authentication process and then completing a billed transaction. Furthermore, the combination including Bauer teaches the possibility of offering other service (goods and/or service)

through a call. Furthermore, it's known to provide caller ID information to called party if its available and called party subscribes to it. Furthermore, see the explanation as set forth regarding claim 9.

Claims 24 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swope et al. (US Pat# 6,639,977) in view of Manto (US Pat# 6,788,771).

Regarding claims 24 and 36, Swope fails to teach the claimed subject matter but Manto teaches a system and method for providing sponsored or universal telecommunications service and third party payer services in (see 9see fig. 2a in the vicinity of the box labeled "generate message").

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Manto into that of Swope thus making it possible to charge or use any desired account for one's convenience.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **REXFORD N BARNIE** whose telephone number is (703)306-2744. The examiner can normally be reached on M-F 9:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CURTIS KUNTZ can be reached on (703) 305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PRIMARY EXAMINER  
REXFORD BARNIE  
01/21/04

  
REXFORD BARNIE  
PRIMARY EXAMINER